

PATENT

Serial No. 10/603,706

Amendment in Reply to Final Office Action of August 6, 2008

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on August 6, 2008, which had been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1-20 remain in this application, where claims 1, 2-3 and 9 are independent.

In the Final Office Action, claims 1-14 and 17-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,587,510 (Minami) in view of U.S. Patent No. 5,574,747 (Lomp). Further, claims 15-16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Minami in view of U.S. Patent No. 5,671,219 (Jensen). It is respectfully submitted that claims 1-20 are patentable over Minami, Lomp and Jensen for at least the following reasons.

As correctly noted on page 3 of the Final Office Action, Minami does not disclose or suggest that combining means for processing a power control commands to determine whether to adjust the output power as a function of a requested step size included in

the power control commands and a minimum available step size, as recited in independent claims 1, 2-3 and 9. Lomp is cited in an attempt to remedy the deficiencies in Minami.

Lomp is directed to a system and method for adaptive power control of a spread spectrum transmitter of a mobile unit operating in a cellular-communications network. In response to a received signal (having a first spread-spectrum signal and an interfering signal) from the mobile unit, an automatic gain control (AGC) circuit within the base station generates an AGC-output signal which is despread by a base despreader and then processed as a received-power level. The received power level is then compared to a threshold level to generate a power command signal.

The power command signal is transmitted to the mobile station as a second spread-spectrum signal. The mobile station despreader despreads the power command signal (from the base station) to get a power adjust signal, and responsive thereto, mobile station increases or decreases the power level of the first spread spectrum signal transmitted to the base station.

As recited on column 20, lines 61-67, the amount of the increase or decrease of the power level may be fixed in advance or

it may adapt in response to the characteristics of the channel as measured locally in the remote terminal, i.e., the terminal being controlled. Thus, a long sequence of increase commands, for example, implies that the step size may be increased. The step size may also be automatically adjusted based on the global characteristics of the channel. Thus, as recited on column 21, lines 14-17, in a nearly static environment a small constant step size is used, while in a mobile environment a larger step size is used.

It is respectfully submitted that Minami, Lomp, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 2-3 and 9 which, amongst other patentable elements, recites (illustrative emphasis provided) :

wherein combining means are provided for processing a plurality of power control commands to determine whether to adjust its output power as a function of a required step size included in the power control commands and a minimum available step size implemented by the secondary station.

Determining whether to adjust the output power as a function of the required step size included in power control commands and a minimum available step size is nowhere disclosed or suggested in

Minami and Lomp, alone or in combination. Rather, Lomp merely discloses to adjust the step size based on long sequence of commands, or static or mobile environment. Such a disclosure in no way discloses or suggests processing commands to determine whether to adjust the output power as a function of a required step size included in the power control commands and the minimum available step size, as recited in independent claims 1-3 and 9. Jensen is cited to allegedly show other features and do not remedy the deficiencies in Minami and Lomp.

Accordingly, it is respectfully submitted that independent claims 1, 2-3 and 9 are allowable, and allowance thereof is respectfully requested. Claims 4-8 and 10-20 respectively depend from independent claims 1, 2-3 and 9 and accordingly are allowable for at least the same reasons that independent claims 1, 2-3 and 9 are allowable, as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

For example, combining means that are operative if the required step size is less than the minimum available step size, as

recited in claims 4 and 10, are nowhere disclosed or suggested in Minami, Lomp, Jensen, and combinations thereof. Rather, Lomp merely disclose on column 21, lines 18-39, that

if the transmitted APC bit stream exhibits a tendency toward successive bits in agreement (i.e., runs of 1's or 0's are evident) it implies that the system is not following the changes in channel conditions (i.e., the system is slow rate limited) and the step size should be increased. On the other hand, if successive bits tend to be opposite, the system is "hunting" for a value between two values that are excessively far apart. (Emphasis added)

Further, means for processing a group of power control commands together, where a size of the group is determined by the minimum available step size and the required step size, as recited in claims 5 and 11, are nowhere disclosed or suggested in Minami, Lomp, Jensen, and combinations thereof. Rather, Lomp merely disclose on column 22, lines 46-59, using an adaptive power control algorithm using minimum and maximum step sizes, where interleaving and forward error correcting codes are used to correct any errors. Such disclosure has nothing to do with determining the size of a group, let alone doing so using minimum available step size and the required step size, as recited in claims 5 and 11.

In addition, Applicants deny any statement, position or

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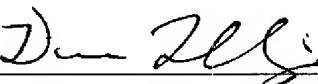
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averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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